

ALEX G. TSE (CABN 152348)  
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**FILED**

**MAY 25 2018**

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                             |   |   |
|-----------------------------|---|---|
| UNITED STATES OF AMERICA,   | ) | CASE NO. 3:18-mj-70674 MAG                |
| Plaintiff,                  | ) |   |
| v.                          | ) | STIPULATION AND <del>PROPOSED</del> ORDER |
| BRIAN GUTIERREZ VILLASENOR, | ) | CONTINUING PRELIMINARY HEARING,           |
| Defendant.                  | ) | EXTENDING TIME UNDER RULE 5.1, AND        |
|                             | ) | EXCLUDING TIME UNDER THE SPEEDY TRIAL     |
|                             | ) | ACT                                       |

The United States of America, through Andrew F. Dawson, Assistant United States Attorney, and the defendant, Brian Gutierrez and his counsel James Bustamonte hereby stipulate to continue the preliminary hearing in this matter from May 31, 2018, to August 3, 2018.

The defendant agrees that good cause exists to extend the time limits of Rule 5.1(c) to August 3, 2018. The parties agree that good cause exists, taking into account the public interest in the prompt disposition of criminal cases, to extend the time for the preliminary hearing to August 3, 2018. The parties wish to discuss the possibility of a pre-indictment resolution, which would save government and Court resources, and that such discussions will require additional time.

The parties also agree that an exclusion of time is appropriate under the Speedy Trial Act until

1 August 3, 2018, for purposes of the effective preparation of counsel, continuity of counsel, and to permit  
2 counsel to conduct an investigation and consult with the defendant. In addition, the defendant agrees to  
3 exclude for this period of time any time limits applicable under 18 U.S.C. § 3161. The parties also agree  
4 that the ends of justice served by granting such a continuance outweigh the best interests of the public  
5 and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A).  
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7 Respectfully submitted,

8 ALEX G. TSE  
9 Acting United States Attorney

10 Dated: May 25, 2018

  
11 RITA F. LIN  
12 Assistant United States Attorney

13 Dated: May 25, 2018

  
14 JAMES BUSTAMONTE  
15 Attorney for BRIAN GUTIERREZ VILLASENOR

16 Dated: May 25, 2018

  
17 Defendant BRIAN GUTIERREZ VILLASENOR  
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1 **[PROPOSED] ORDER**

2 Based upon the representation of counsel and for good cause shown, the Court finds that good  
3 cause exists, taking into account the public interest in the prompt disposition of criminal cases, for  
4 extending time under Rule 5.1 and continuing the preliminary hearing in this matter to August 3, 2018.  
5 The Court further finds that failing to exclude time until August 3, 2018, would unreasonably deny the  
6 defendant and counsel the reasonable time necessary for effective preparation, taking into account the  
7 exercise of due diligence, and that exclusion of time will provide for continuity of defense counsel. The  
8 Court further finds that the ends of justice served by exclusion of time until August 3, 2018, from  
9 computation under the Speedy Trial Act outweighs the best interests of the public and the defendant in a  
10 speedy trial.

11 Therefore, IT IS HEREBY ORDERED that:

- 12 (1) The preliminary hearing or arraignment date is set for August 3, 2018, at 10:30 a.m.; and  
13 (2) Good cause exists to extend the time for the preliminary hearing under Rule 5.1 to  
14 August 3, 2018.  
15 (3) The time until August 3, 2018 shall be excluded from computation of any time limits  
16 under the Speedy Trial Act.

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20 DATED: 5/25/2018

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23 HON. JOSEPH C. SPERO  
24 United States Magistrate Judge  
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